



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/962,776	11/03/1997	ROMAN SCHERTLER	622/40901CO	9277

7590 12/17/2001

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
----------	--------------

3726

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/962,776

Applicant(s)

SCHERTLER, ROMAN

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 and 49-52 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17,19-32,34-48 and 53-57 is/are rejected.
- 7) ☒ Claim(s) 3 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 October 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3726

DETAILED ACTION

Response to Amendment

1. Applicant should note that in claims 1, 3 and 18, the words "and" in line 20 of claim 1, and "additionally" in line 3 of claims 3 and 18 were new to the patent, but not underlined as required by 37 CFR 1.173. The underlining has been supplied. Future amendments that fail to comply with 37 CFR 1.173 will not be corrected and will be held to be informal.

Original Patent

2. In response to the requirement for a certificate under 37 C.F.R. 3.73(b) in the last office action, applicant noted that the assignee's authority is fully established by the instrument recorded at Reel 6185, Frame 0599 in the official records of the U.S. Patent and Trademark Office.

Claim Objections

3. Claim 31 is objected to because of the following informalities: in line 12, "lest" should be - - least - -. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3726

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 4-17, 19-32, 34-48, and 53-57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tateishi et al. (4,675,096) in view of Toshimasa (JP 3-109727).

Tateishi et al. teaches a vacuum process apparatus for processing at least one workpiece comprising a chamber **38** with at least two openings **33** defining respective opening areas, and a transport device **45** having a drive shaft **25** rotatable around a rotational axis of the drive shaft, at least two conveyors **42** for at least one workpiece each, and a transport arm **43** for each conveyor **42** operatively associated with the drive shaft, the arms **43** being operatively coupled to the conveyors **42** to move the conveyors relative to the drive shaft and to have at least a radial movement component perpendicular to the drive shaft rotational axis via encapsulated (encapsulated by **47**), independent drives **43**, the drives **43** controlling closing and opening of the openings **33** with movement of the conveyors **42** relative to the drive shaft.

Tateishi et al. teach the invention cited above with the exception of the conveyors being movable independently of each other.

Toshimasa teaches a transport device having conveyors **62** which are independently moveable with respect to each other.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Tateishi et al. with the conveyors being movable independently of each other, in light of the teachings of Toshimasa, in order to provide better individual control of each of the conveyors.

With respect to Claim 30, Tateishi et al. teach the invention cited above with the

Art Unit: 3726

exception of the displacement drives being operatively mounted on the transport arrangement rotation drive.

Toshimasa teaches displacement drives **60 a** being operatively mounted on the transport arrangement rotation drive **65**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Tateishi et al. with displacement drives being operatively mounted on the transport arrangement rotation drive, in light of the teachings of Toshimasa, in order to provide better individual control of the arms.

With respect to Claims 12-14, 25-27, and 29, Tateishi et al./Toshimasa teach the invention cited above with the exception of having the claimed "pin" for holding the workpiece. Official notice is taken that it is well known in the art to use the claimed "pin" to hold objects having a hole in the center.

Allowable Subject Matter

6. **Claims 3 and 18** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. **Claims 33 and 49-52** are allowed.


Art Unit: 3726


Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (703) 306-5965. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5648.


MJ
December 14, 2001


S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700